

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SHAKEIRA MCMILLER

Plaintiff

V.

MICHAEL R. WERNER, et al.

Defendant

Civil Action No. 09-4020(KSH)

## ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of letter dated January 7, 2010, regarding the plaintiff's request to: (1) dismiss her RICO claim; (2) dismiss her claim against Angela Beckett; and (3) add Shana Frazier as a party;

and the Court directing the defendants to submit a letter stating whether or not they oppose these requests;

and the Court further directing that if the defendants do not oppose the request that they submit a proposed order dismissing the RICO claim<sup>1</sup> and the claim against Angela Beckett and leaving a space on the proposed order for the Court to provide further direction concerning plaintiff's intention to amend her Complaint to add Shana Frazier assuming subject matter jurisdiction continues to exist;

and the defendants being directed to further state in the letter whether or not the omission of the RICO claim has any impact on the existence of subject matter jurisdiction and explain the basis for continued jurisdiction;

<sup>1</sup>The docket nonetheless reflects that the plaintiff has filed a RICO case statement

IT IS THEREFORE ON THIS 12th day of January, 2010

ORDERED that, no later than **January 20, 2010**, the defendants shall submit a letter stating whether or not they oppose plaintiff's request to: (1) dismiss her RICO claim; (2) dismiss her claim against Angela Beckett; and (3) add Shana Frazier as a party. If they do not oppose the request, the defendants shall also submit a proposed order dismissing the RICO claim and the claim against Angela Beckett and leave a space on the proposed order for the Court to provide further direction concerning plaintiff's intention to amend her Complaint to add Shana Frazier; and

IT IS FURTHER ORDERED that all other deadlines shall remain unchanged.

s/Patty Shwartz  
**UNITED STATES MAGISTRATE JUDGE**